

R E M A R K S

The two independent claims (1 and 33) have been amended to recite that the claimed optical information recording medium has a multilayer structure including, in addition to the transparent substrate and phase change type recording layer already set forth in the claims,

 "a first protection layer on said transparent substrate;

 "a second protection layer on said phase change type recording layer;

 "a reflection layer on said second protection layer;

 "an overcoat layer on said reflection layer; and

 "a third protection layer provided in one of a location between said transparent substrate and said first protection layer, a location between said first protection layer and said phase change type recording layer, a location between said phase change type recording layer and said second protection layer, a location between the second protection layer and said reflection layer, and a location between said second protection layer and said overcoat layer."

Original claim 11 has been cancelled as redundant in view of this amendment of claim 1, and the dependence of claims 12 and 13 has been changed accordingly. The recitals thus added to claims 1 and 33 are supported by the original disclosure, e.g. in original claim 11 and in the description of the specification at p. 43, line 11 - p. 44, line 9, wherein it is stated that the third protection layer 5 (though shown in FIG. 1 as disposed between the second protection layer and the reflection layer) may be provided in between each of

the transparent substrate 1, first protection layer 2, recording layer 3, second protection layer 4, reflection layer 6, overcoat layer 7, print layer 8, and the adhesive layer 10 (p. 43, lines 11-15). Since this Amendment does not increase either the total number of claims or the number of independent claims, no additional fee is necessary.

Claims 1 (independent; amended), 2 - 10, 12 -14, 17 - 25, 27 - 32 (directly or indirectly dependent on 1), 33 (independent; amended) and 34 - 38 (dependent on 33), all directed to an optical information recording medium, are in the application. No claim has been allowed.

All the claims have been finally rejected under 35 U.S.C. §103(a) as unpatentable over various combinations of references. In particular, both of the independent claims have been rejected on each of the following combinations of references:

- (a) Yamada et al. '025 in view of Ando et al. '543 and Hisatomi et al. WO '168;
- (b) Yamada et al. EP '249 in view of Ando et al. '543 and Hisatomi et al. WO '168;
- (c) Nobukuni et al. JP '761² in view of Yamada et al. '025, Ando et al. '543 or Hisatomi et al. WO '168;
- (d) Nobukuni et al. EP '077 in view of Yamada et al. '025, Ando et al. '543 or Hisatomi et al. WO '168.

Applicants respectfully submit that amended independent claims 1 and 33 distinguish patentably over each of these asserted combinations of references by virtue of their recitals of the third protection layer (viz., the layer 5 in FIG. 1, which may be disposed at any of the locations recited in the amended claims and described in the specification as noted above), in the defined

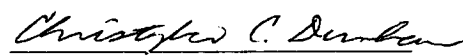
²Not "Yamada et al. JP 2000-079761" as previously cited.

combination with the other features and elements set forth in these claims. The remaining claims, being dependent on one or the other of amended claims 1 and 33, are submitted to be allowable therewith.

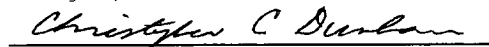
None of the applied primary references -- Yamada et al. '025, Yamada et al. EP '249, Nobukuni et al. JP '761 and Nobukuni et al. EP '077 -- teaches or discloses this third protection layer. Equally, neither of the applied secondary references -- Ando et al. '543 and Hisatomi et al. WO '168 -- teaches or discloses such a third protection layer. Therefore, applicants submit, no combination of the applied primary and secondary references could suggest or make obvious the provision of a third protection layer as now recited in each of amended claims 1 and 33.

For the foregoing reasons, it is believed that this application is now in condition for allowance. Favorable action thereon is accordingly courteously requested.

Respectfully,


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I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.


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